REMARKS

At the time of the first Official Office Action, claims 38-63 were pending in the application. Of these claims, claims 38 and 46 were independent claims.

The first Office Action was not on the merits. It was only a requirement for restriction between inventions and election of species and set a shortened statutory period of one (1) month to January 31, 2003 for reply.

The requirement for restriction between inventions was between:

I. Claims 38-45 and 51-58 drawn to a process for extracting a "compound or composition" from a "raw material"; and

II. Claims 46-56 and 59-63 drawn to a process for extracting a "natural product" from a "plant material".

Applicants hereby elect the Group I claims 38-45 and 51-58 for further prosecution, reserving the right to file whatever divisional applications may be necessary to protect the subject matter of the non-elected Group II.

This election is made with traverse.

It is respectfully requested that the requirement for restriction between inventions be reconsidered and withdrawn in view of the fact that the difference between the Group I and Group II claims is simply a matter of breadth. The Group I claims are

directed to a process for extracting broadly a "compound or composition" from a "raw material", whereas the Group II claims are simply narrower to the extent that the "compound or composition" is specified to be a "natural product" and the "raw material" is specified to be a "plant material". Thus, if the Group I claims, and particularly independent claim 38, is found to be allowable, all of the group II claims would also be allowable over the prior art without further search.

Accordingly, it is respectfully requested that the requirement for restriction between Groups I and II be reconsidered and withdrawn.

In addition, if applicants elected the Group I claims which they have, a requirement for election of species was also stated in the last Office Action between the following species: 1) a biologically active compound, 2) a pharmaceutically active substance, 3) a flavored composition, 4) an aromatic composition, 5) a cytochalasin, 6) a monensin, 7) a pyrethroid, 8) a pesticide, 9) a penicillin, 10) an alkaloid, 11) paclitaxel, 12) taxane, 13) a flavored oil, and 14) an aromatic oil.

In compliance with the requirement for election of species, applicants elect species 3) a flavored composition.

This election of species is also made with traverse.

Applicants request reconsideration of the requirement for election between at least some of the stated species.

Specifically, applicants request reconsideration of the requirement for election between the following species:

3) a flavored composition;

4) an aromatic composition;

13) a flavored oil; and

14) an aromatic oil.

Applicants are surprised by the Examiner's conclusion that "flavored" and "aromatic" products are distinct from each other. The senses of smell and taste are very closely related. For example, much of the flavor experience of food derives from the sense of smell since only the taste receptors in humans are for sweet, sour, salt, and bitter taste. Thus, it is not believed that flavors and aromas are that distinct from each other. Moreover, it is not believed that "compositions" and "oils" merit species distinction because if a "composition" is found to be patentable, the "oil" should also be patentable for the reasons stated above with respect to the restriction between inventions, i.e. "composition" is a broad term which would be inclusive of many things including the more narrow "oil".

Accordingly, it is respectfully requested that the requirement for election of species between the four last mentioned species be reconsidered and withdrawn.

The elected Group I claims 38-40 and 51-56 are generic to and readable on the elected flavored composition species, and the elected Group I claim 57 is readable thereon.

If the requirement for restriction between Groups I and II is withdrawn as requested herein, Group I and Group II claims 38-40, 46-48, and 51-56 are generic to and readable on the elected flavored composition species, and Group I and Group II claims 49 and 57 are also readable thereon.

If the requirement for restriction between Groups I and II is withdrawn as requested herein, and the requirement for election between species

3) a flavored composition; and

4) an aromatic composition

is also withdrawn as requested herein, claims 38-40, 46-49 and 51-57 are readable thereon.

If the requirement for restriction between Groups I and II is withdrawn as requested herein, and the requirement for election between species

3) a flavored composition;

4) an aromatic composition;

13) a flavored oil; and

14) an aromatic oil

is also withdrawn as requested herein, claims 38-40 and 46-58 are readable thereon.

If the requirement for restriction between Groups I and II is not withdrawn, but the requirement for election between species

3) a flavored composition; and

4) an aromatic composition

is withdrawn as requested herein, Group I claims 38-40, and 51-57 are readable thereon.

Finally, if the requirement for restriction between Groups I and II is not withdrawn, but the requirement for election between species

3) a flavored composition;

4) an aromatic composition,

13) a flavored oil; and

14) an aromatic oil

is withdrawn as requested herein, claims 38-40 and 51-58 are readable thereon.

The amendment herein to claim 47 was simply to correct an error in the dependency of that claim and is not considered or intended to be substantive.

Early reconsideration of the restriction and election of species requirements, examination and allowance are requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Amend claim 47 to read as follows:

47. (Once Amended) A process as claimed in claim [45] 46, wherein the C_{1-3} hydrofluorocarbon is a hydrofluoropropane.